

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

**FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 4, 2008**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Burkett, Cameron, and Lodge, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Amanda Downen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 3, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Lodge was recorded present at this order of business.

March 4, 2008

The JUDICIARY AND RULES Committee reports that **S 1455**, **S 1456**, **S 1457**, **S 1458**, and **S 1459** have been correctly printed.

DARRINGTON, Chairman

S 1455 was referred to the State Affairs Committee.

S 1456, **S 1457**, **S 1458**, and **S 1459** were referred to the Finance Committee.

March 3, 2008

The STATE AFFAIRS Committee reports out **H 422**, **H 350**, and **H 447**, as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

McKENZIE, Chairman

There being no objection, **H 422**, **H 350**, and **H 447**, as amended, were referred to the Fourteenth Order of Business, General Calendar.

March 3, 2008

The STATE AFFAIRS Committee reports out **H 354** and **S 1434** with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

McKENZIE, Chairman

H 354 and **S 1434** were filed for second reading.

March 3, 2008

The JUDICIARY AND RULES Committee reports out **H 456** and **H 417**, as amended, with the recommendation that they do pass.

DARRINGTON, Chairman

H 456 and **H 417**, as amended, were filed for second reading.

March 3, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **HCR 37** and **SCR 128** with the recommendation that they do pass.

SCHROEDER, Chairman

HCR 37 and **SCR 128** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 4, 2008

The FINANCE Committee reports out **S 1456**, **S 1457**, **S 1458**, and **S 1459** with the recommendation that they do pass.

CAMERON, Chairman

S 1456, **S 1457**, **S 1458**, and **S 1459** were filed for second reading.

March 3, 2008

The EDUCATION Committee reports out **H 399** and **H 384** with the recommendation that they do pass.

GOEDDE, Chairman

H 399 and **H 384** were filed for second reading.

March 3, 2008

The EDUCATION Committee reports out **S 1404** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1404** was referred to the Fourteenth Order of Business, General Calendar.

The Senate advanced to the Eighth Order of Business.

Messages from the Governor

President Pro Tempore Geddes was recorded present at this order of business.

March 3, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1306, S 1349, and S 1355

As Always - Idaho, *'Esto Perpetua'*
/s/ C. L. 'Butch' Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 29, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Melville W. Fisher II of Boise, Idaho, was appointed as a member of the Idaho Lottery Commission, to serve a term commencing January 1, 2008, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *'Esto Perpetua'*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Burkett and Cameron were recorded present at this order of business.

March 3, 2008

Mr. President:

I transmit herewith **H 552, H 567, H 570, H 571, and H 544**, which have passed the House.

ALEXANDER, Chief Clerk

H 552, H 567, H 570, H 571, and H 544 were filed for first reading.

March 3, 2008

Mr. President:

I return herewith **S 1268, S 1318**, as amended, **S 1357, S 1326, S 1327, S 1328, S 1333, S 1334, and S 1321**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

S 1268, S 1318, as amended, **S 1357, S 1326, S 1327, S 1328, S 1333, S 1334, and S 1321**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 3, 2008

Mr. President:

I return herewith Enrolled **S 1319** and **S 1320**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1319** and **S 1320** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 3, 2008

Mr. President:

I return herewith **S 1372**, as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Darrington, granted by unanimous consent, **S 1372**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Tim Ridinger was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Stegner, the Gubernatorial appointment of Tim Ridinger as a member of the Idaho State Racing Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the House amendments to **S 1372**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1372**, as amended in the House?"

On request by Senator Darrington, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1372**, as amended in the House.

S 1372, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1460

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO TEMPORARY REGISTRATION OF VEHICLES AND COMBINATION OF VEHICLES; AMENDING SECTION 49-432, IDAHO CODE, TO INCREASE TEMPORARY PERMIT FEES AND TO PROVIDE FOR APPLICATION OF CERTAIN PERMIT FEES TO AN ANNUAL REGISTRATION IF THE ANNUAL REGISTRATION IS PURCHASED WITHIN THIRTY CALENDAR DAYS OF ISSUANCE OF THE PERMIT.

S 1461

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO USE OF PUBLIC RIGHT-OF-WAY TO PROVIDE VIDEO SERVICE; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CERTIFICATE OF AUTHORITY, TO PROVIDE FOR FRANCHISING AUTHORITY, TO PROVIDE FOR AUTHORIZATION TO USE PUBLIC RIGHTS-OF-WAY, TO PROVIDE FOR MODIFICATION OF EXISTING FRANCHISE AGREEMENTS, TO PROVIDE FOR CUSTOMER ACCESS TO COMMUNITY PROGRAMMING, TO PROVIDE FOR A VIDEO SERVICE PROVIDER FEE, TO PROVIDE FOR NONDISCRIMINATION

BY GOVERNMENTAL ENTITIES RELATING TO USE OF PUBLIC RIGHTS-OF-WAY, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS, TO PROVIDE FOR CUSTOMER SERVICE STANDARDS AND TO PROVIDE FOR APPLICATION OF OTHER LAW; AND PROVIDING SEVERABILITY.

S 1462

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND GRANTING A CONTINUOUS APPROPRIATION FOR THE BUREAU OF HOMELAND SECURITY'S MISCELLANEOUS REVENUE FUND FOR FISCAL YEAR 2009.

S 1463

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ATTORNEY GENERAL TO PAY CERTAIN PUBLICATION COSTS FROM THE SPECIAL LITIGATION PROGRAM FOR FISCAL YEAR 2009; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; AND SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION.

S 1464

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1465

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO COURTS AND MISCELLANEOUS PROVISIONS; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 1-1626 AND 1-1627, IDAHO CODE, TO CREATE THE CIVIL LEGAL SERVICES FUND AND TO PROVIDE FOR GRANTS.

S 1460, **S 1461**, **S 1462**, **S 1463**, **S 1464**, and **S 1465** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 552, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 567, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 570 and **H 571**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 544, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 338, **H 339**, and **H 371**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

H 560, by Appropriation Committee, was read the second time at length and filed for third reading.

S 1451, **S 1452**, **S 1453**, and **S 1454**, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Broadsword, granted by unanimous consent, **S 1379**, as amended, having been held, was referred to the Fourteenth Order of Business, General Calendar.

S 1440 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Langhorst and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stennett, Werk. Total - 31.

NAYS--Corder, Little, Siddoway, Stegner. Total - 4.

Total - 35.

Whereupon the President declared **S 1440** passed, title was approved, and the bill ordered transmitted to the House.

S 1442 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1442** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1361, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Langhorst, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 29.

NAYS--Cameron, Darrington, Hill, Little, McKenzie. Total - 5.

Absent and excused--Keough. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1361**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1398, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--Little. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1398**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Andreason, granted by unanimous consent, **S 1399**, as amended, was recommitted to the Commerce and Human Resources Committee.

S 1420, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1420**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1414, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1414**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 440, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 440**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 538 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 538** passed, title was approved, and the bill ordered returned to the House.

H 539 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 539** passed, title was approved, and the bill ordered returned to the House.

H 414 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **H 414** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1413** and **H 410**, as amended, without recommendation, amended as follows:

AMENDMENT TO SECTION 1

On page 4 of the printed bill, delete lines 33 and 34 and insert: "(\$+5,000,000) in a city with a population of less than five thousand (5,000) according to the most recent census."

SENATE AMENDMENT TO H 410, As Amended
AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, in line 22, following "chapter." insert: "For purposes of this section, "sole proprietor dentist" means a dentist who solely owns a dental practice, regardless of the type of legal entity under which it is operated."

The Committee also has **S 1329, S 1433, S 1435, S 1438, and S 1379**, as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Langhorst, the report was adopted by voice vote.

S 1413, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 410, as amended, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:02 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Gannon and Jorgenson, absent and formally excused by the Chair; and Senator Goedde, Langhorst, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, **H 528** was referred to the Fourteenth Order of Business, General Calendar.

Senator Stegner was recorded present at this order of business.

H 492 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk.
 Total - 31.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson, Langhorst.
 Total - 4.

Total - 35.

Whereupon the President declared **H 492** passed, title was approved, and the bill ordered returned to the House.

H 364 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk.
 Total - 31.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson, Langhorst.
 Total - 4.

Total - 35.

Whereupon the President declared **H 364** passed, title was approved, and the bill ordered returned to the House.

H 431 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Corder and Stegner arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk.
 Total - 31.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson, Langhorst.
 Total - 4.

Total - 35.

Whereupon the President declared **H 431** passed, title was approved, and the bill ordered returned to the House.

H 353 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson, Langhorst. Total - 4.

Total - 35.

Whereupon the President declared **H 353** passed, title was approved, and the bill ordered returned to the House.

H 370 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson, Langhorst. Total - 4.

Total - 35.

Whereupon the President declared **H 370** passed, title was approved, and the bill ordered returned to the House.

H 408, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 31.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson, Langhorst. Total - 4.

Total - 35.

Whereupon the President declared **H 408**, as amended, passed, title was approved, and the bill ordered returned to the House.

Senator Langhorst was recorded present at this order of business.

H 376, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Gannon, Goedde, Jorgenson. Total - 3.

Total - 35.

Whereupon the President declared **H 376**, as amended, passed, title was approved, and the bill ordered returned to the House.

Senator Goedde was recorded present at this order of business.

H 375 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **H 375** passed, title was approved, and the bill ordered returned to the House.

H 508 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **H 508** passed, title was approved, and the bill ordered returned to the House.

H 443 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator McGee disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **H 443** passed, title was approved, and the bill ordered returned to the House.

H 469 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Jorgenson. Total - 2.

Total - 35.

Whereupon the President declared **H 469** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:33 p.m. until the hour of 10 a.m., Wednesday, March 5, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary